



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,351	04/29/2005	Thomas Sandelius	9342-44	7207
54414 7590 03/21/2008 MYERS BIGEL SIBLEY & SAJOVEC, P.A. P.O. BOX 37428 RALEIGH, NC 27627				
EXAMINER				
DUONG, TAI V				
ART UNIT		PAPER NUMBER		
2871				
MAIL DATE		DELIVERY MODE		
03/21/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/533,351

**Applicant(s)**

SANDELIUS, THOMAS

**Examiner**

TAI DUONG

**Art Unit**

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 June 2007.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-18 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 29 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-824)  
Paper No(s)/Mail Date 4/29/05; 3/16/07; 6/22/07  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the recited feature "wherein the at least one reflector has a circular shape" of claims 8, 14, 16 and 18 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2871

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Sekiguchi et al (US 2002/0145688) cited by Applicant.

As to claims 1 and 9, note Fig. 10 which identically discloses the claimed portable electronic device comprising: at least one display unit, comprising: a substantially transparent display layer 15 having a front side for displaying information and a rear side; a color filter layer 28; a reflector 44; and a lighting system 31 for illuminating the substantially transparent display layer from the rear side, the lighting system configured to be switched on or off, wherein the display unit operates in an emissive mode when the lighting system is switched on, wherein the display unit operates in a reflective and/or transfective mode when the lighting system is switched off, and wherein the reflector is on a front side of the color filter layer facing a user, such that reflected light does not have to travel through the color filter layer (paragraphs 0183-0192). As to the lighting system, the On/Off of the lighting system with respect to the operation modes (emissive, reflective or transfective) of the display unit, and the portable electronic device (timepiece), see paragraphs 0088, 0002-0004 and 0229, respectively. Regarding claims 2 and 10, as apparent from Fig. 10, the front side of the color filter layer 28 includes at least one reflector (reflecting portions 52 of the reflector 44) in the plane view.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2871

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekiguchi et al (US 2002/0145688) in view of Okamoto et al (US 2001/0052948) both cited by Applicant.

The only difference between the device of Sekiguchi et al and that of the instant claims is the area of the reflector with respect to the area of the color filter. However, Okamoto et al disclose that it was known to adjust the area of the reflector with respect to the area of the color filter (paragraph 0460). Thus, it would have been obvious to a person of ordinary skill in the art to adjust the area of the reflector with respect to the area of the color filter of the device of Sekiguchi et al for adjusting the brightness of the monochrome display (reflective mode), as disclosed by Okamoto et al. Also, in the absence of unexpected results, it has been held that the change in size/proportion normally requires only ordinary skill in the art and hence is considered routine expedients. In *Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), *cert. denied*, 469 U.S. 830, 225 USPQ 232 (1984). See MPEP 2144.

Claims 5, 6, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekiguchi et al (US 2002/0145688) in view of Okamoto et al (US 2001/0052948) both cited by Applicant.

The only difference between the device cited in the above rejection of claims 3 and 4 and that of the instant claims is the location of the reflector with

respect to the color filter. In the absence of unexpected results, it has been held that the rearrangement of parts normally requires only ordinary skill in the art and hence is considered routine expedients. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950). See MPEP 2144. Also, it would have been obvious to a person of ordinary skill in the art to rearrange the location of the reflector with respect to the color filter in the device cited in the above rejection of claims 3 and 4 for obtaining a good viewing angle of the monochrome display (reflective mode).

Claims 7, 8 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekiguchi et al (US 2002/0145688) in view of Okamoto et al (US 2001/0052948) as applied to claims 3-6 above, and further in view of Funahata et al (US 2002/0191134).

As to claims 7, 13, 15 and 17, the only difference between the device cited in the above rejection of claims 3-6 and that of the instant claims is the reflector having a rectangular shape. However, Funahata et al disclose in Fig. 13 that it was known to employ a reflector having a rectangular shape (paragraph 0203). Thus, it would have been obvious to a person of ordinary skill in the art in view of Funahata et al to employ a reflector having a rectangular shape in the device cited in the above rejection of claims 3-6 for enhancing the display quality of the monochrome display (reflective mode). Also, in the absence of unexpected results, it has been held that the change in shape normally requires only ordinary skill in the art and hence is considered routine expedients. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). See MPEP 2144.

Regarding claims 8, 14, 16 and 18, the only difference between the device cited in the above rejection of claims 3-6 and that of the instant claims is the reflector having a circular shape. In the absence of unexpected results, it has been held that the change in shape normally requires only ordinary skill in the art and hence is considered routine expedients. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). See MPEP 2144. For a particular application (e.g. the dots in the timepiece), it would have been obvious to a person of ordinary skill in the art to employ a reflector having a circular shape in the device cited in the above rejection of claims 3-6 for enhancing the display quality of the monochrome display (reflective mode).

Any inquiry concerning this communication should be directed to Tai Duong at telephone number (571) 272-2291.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

TVD  
03/08

/Dung Nguyen/  
Primary Examiner, Art Unit 2871

